

REMARKS

This patent application presently includes claims 1-6, all of which stand rejected. Claims 1 and 6 are amended to define the applicants' invention more clearly, and all rejections are respectfully traversed.

The Examiner noted that, although the IDS submitted February 28, 2002 was being considered, non-English EP-0-762-769 was not considered and was merely placed in the file. The explanation offered was that the IDS failed to comply with 37 CFR 1.98 (a) (2) "which requires a legible copy, in English, of each US and foreign patent..."

It is respectfully submitted that under 37 CFR 1.98, the Examiner is required to consider this reference, and the refusal to do so is *improper*. This reference must be made of record.

Specifically, 37 CFR 1.98 (a) (2) only requires the submission of a legible *copy* of a foreign-language reference. An English translation of a foreign language reference is not required by that section. In fact, section (3) (ii) only requires:

(3)(ii) A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).

There is no reason in the record to believe that such a translation was available and, in fact, it was not. Accordingly, the applicants were justified in submitting only a copy of the reference. Furthermore, the IDS was accompanied by an English version of a search report in a foreign counterpart application, demonstrating how that reference was applied by the foreign Examiner. So, the applicants met the "concise explanation" requirement of 37 CFR 1.98 (a)(3)(i).

In fact, the applicants have met every requirement of 37 CFR 1.98. The Examiner may not impose additional requirements and was required to consider EP-0-762-769.

The failure to do so was a blatant violation of the rules, and it is requested that this reference be made of record as soon as possible. Furthermore, since the Examiner's refusal to consider that reference was improper, a further rejection could not be based upon that reference without giving the applicants an opportunity to respond.

Claims 1-6 were rejected as anticipated by Na et al. US Patent No. 6,336,731. This rejection is respectfully traversed. The subject matter of these claims is not taught by Na.

Na discloses a digital broadcast receiving/recording apparatus and method. Na's disclosure is in the context of an IEEE 1394 serial bus, and in fact, no other transmission medium is even considered. In contrast, as should be clear from paragraphs [0012] and [0013] of the present patent application, the present patent application contemplates that different kinds of transmission media be used and that processing be performed in accordance with the kind of transmission medium over which information was received (see paragraph [0013], lines 3-4). Such processing is not taught or suggested by Na.

Both independent claims (claims 1 and 6) provide that the signal be received via at least one of a plurality of different kinds of transmission media. Furthermore, processing is subsequently performed on a signal based upon the kind of the at least one transmission medium over which the signal was received. This adaptive nature of the invention provides far broader application than was available with the prior art.

For example, claim 1 specifically provides that the receiving and demodulating means act in accordance with the kind of transmission medium over which a signal was received and that a control program in the process control means responds to at least one of the kinds of transmission media. It also provides that the processing means be responsive to control data received at its control input and that the command set of the interface means be defined jointly by the interface means and the main control means. None of these features are taught or suggested by Na.

Also, the performing step of claim 6 is done in accordance with the kind of transmission medium, which depends upon the kind of transmission medium over which the signal was received. Accordingly, claim 6 distinguishes over Na for the same basic reasons as claim 1.

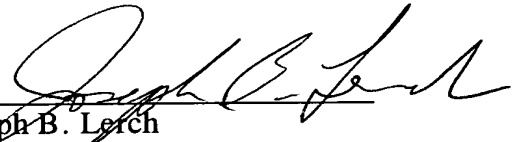
It is therefore believed that independent claims 1 and 6 are allowable over Na. Claims 2-5 depend from claim 1 and are allowable based upon their dependence from an allowable claim.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which might exist.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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